



Appeal Decision

Site visit made on 6 April 2021

by H Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/X3540/W/20/3263723

**Land north of Lavender Cottage, Kiln Lane, Great Bealings, Suffolk,
IP13 6NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Mcdermottroe against the decision of East Suffolk Council.
 - The application Ref. DC/20/1898/FUL, dated 23 May 2020, was refused by notice dated 3 September 2020.
 - The development proposed is described as 'the owner is planning to build stable room and storage room plus hay storage under the roof'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 23 September 2020 the Council adopted The East Suffolk Council - Suffolk Coastal Local Plan (SCLP). Its policies replace those of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan listed in the reasons for refusal of the appeal proposal. The Council's appeal statement lists the policies of the new Local Plan, and the decision notice to application DC/20/1898/FUL identifies those of relevance to this appeal as SCLP10.4, SCLP11.1 and SCLP11.2. In addition to policies of the Great Bealings Neighbourhood Plan (GBNP), I have considered this appeal in the context of the above policies of the SCLP.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the area; and (2) whether sufficient information has been submitted regarding the storage and disposal of waste in order to assess the effect on residential amenity and the local environment.

Reasons

Character and Appearance

4. The appeal site is a parcel of paddock land approached via a 'restricted byway'¹, an unmade track known as Kiln Lane. Land either side of this byway is

¹ The signpost is marked as 'no motorised vehicles'.

elevated, and the GBNP identifies this as part of a Landscape Protection Area, and a classic illustration of the extent to which the village and the landscape work in harmony. The land either side of Kiln Lane, which includes the appeal site, is specifically designated in the GBNP as an Area to be Protected from Development, as set out in GBNP Policy LP2.

5. The proposed stable and store building would be a significant addition that would intrude into this otherwise open landscape. The building would be excessive in footprint, with its large roof canopy, and in height as a result of the proposed roofspace hay loft. Although the appellant indicates that the stable size would accord with regulations for horse welfare, the overall size of the building would appear to far exceed those minimum stated regulations. The result would be an unduly dominant feature in the street scene, and this adverse impact would be exacerbated by its elevated position on rising land above Kiln Lane. Long-range views of the proposal on approach to the village from the north would be limited by existing buildings and vegetation, but no such screening would reduce the visual harm on approach from the south along Kiln Lane due to land levels. The proposed planting of trees or hedges suggested in the appellant's Design and Access Statement would not mitigate this harm.
6. The appellant advises that the existing access would be used without alteration, but this appears to consist of an unsurfaced informal break in the verge and boundary hedging. The extensive permeable surface area proposed around the new building and to create a driveway would add to the visual intrusion of the development, and would appear unacceptably urban in this rural setting.
7. The appellant suggests that there are numerous other stables in the vicinity, but other than a low-key structure on the neighbouring paddock none have been identified. In any event, stable buildings of this size are not prevalent in the landscape, and as such the proposal would not reflect the existing character of the area. The appellant's suggestion that the proposal would enhance the area as it would introduce activity and regular maintenance of the vegetation would not justify a building of the size and scale proposed. I have had regard to the amount of the site that would remain undeveloped, but this would not address the visual intrusion of a building of the size proposed in this sensitive point in the landscape.
8. I therefore conclude that the proposal would detract from the character and appearance of the area, in conflict with GBNP Policies LP1 and LP2, and Policy SCLP10.4, which amongst other criteria requires the location, scale, form, and design of a development to protect and enhance the special qualities and features of the area, and the visual relationship and environment around settlements and their landscape settings; with the design aims of Policies SCLP11.1 and BE1 of the GBNP, which overall require high quality design which responds to local character and context and the form and scale of surrounding buildings; and with the aims of the National Planning Policy Framework (NPPF).

Storage and Disposal of Waste

9. The appellant has not supplied any specific proposals for waste management at the site, other than to advise that there is ample space for waste arising from the use of the stable to be stored on site without causing harm to the amenities of neighbouring residents; and that it could be relocated if needed.

10. However, Lavender Cottage to the south is on lower land than the appeal site. In the absence of a detailed waste storage and removal plan, I cannot be sure that the storage of animal waste at the site would not give rise to odour and insect nuisance, and other contamination and pollution of the local environment. These effects would be exacerbated by the sloping site levels, and have the potential to cause material harm to the amenities enjoyed by occupants of Lavender Cottage and other properties nearby, and the local environment.
11. Kiln Lane is a restricted byway, and the County Council confirms that this means use by 'non-motorised' vehicles. Whilst a grant of planning permission would not override any separate access issues, in this case restricted access for motorised vehicles would be pertinent to the potential to remove animal waste from the site.
12. On the basis of the information supplied by the appellant in this appeal, I conclude that the proposal has the potential to give rise to odour nuisance and pollution to a degree that would cause unacceptable loss of amenity for occupiers of neighbouring dwellings and the local environment. This would be contrary to Policy SCLP11.2, which seeks to ensure that development does not cause an unacceptable loss of amenity for existing or future occupiers in the vicinity in matters including air quality and other forms of pollution; and with the aim of the NPPF to create places which promote health and well-being with a high standard of amenity for users.

Other Matters

13. Representations have been made to suggest that the appeal site does not benefit from access across the privately owned Kiln Lane and its verge. However, this is a civil matter that is beyond the scope for consideration in this appeal.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

H Lock

INSPECTOR